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U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 9, 2024

By ECF

The Honorable Katharine H. Parker
 United States Magistrate Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: *International Refugee Assistance Project, Inc. v. United States Citizenship and Immigration Services, et al.*, No. 23 Civ. 1236 (KHP)

Dear Judge Parker:

This Office represents Defendants United States Citizenship and Immigration Services (“USCIS”) and the Department of State (“State,” and together with USCIS, the “Government”) in the above-referenced Freedom of Information Act (“FOIA”) action. We write jointly with Plaintiff International Refugee Assistance Project, Inc. (“IRAP”) in response to the Court’s order to file a joint status report on the eighth day of each month, or if that date is a weekend or public holiday, then on the following Monday.

This matter concerns FOIA requests IRAP submitted to State and USCIS. The USCIS request seeks records for case management software systems used or accessed by USCIS to process a refugee for resettlement to the United States through the U.S. Refugee Admissions Program. The State request seeks the same records with respect to State (“Part One” of the State request), as well as anonymized data from individual refugee cases (“Part Two” of the State request).

USCIS made its first and final release of identified responsive records on July 7, 2023. IRAP has finished its initial review of these records and is still assessing the appropriateness of USCIS’s claimed withholdings, as well as the reasonableness of the agency’s search. IRAP specifically inquired about withholdings made with respect to certain draft documents; USCIS reprocessed those documents and produced them to IRAP on March 15, 2024. IRAP asked USCIS on June 6, 2024, to clarify why it did not identify CLAIMS 3 as a case management system responsive to IRAP’s request. While USCIS did not originally identify CLAIMS 3 as a responsive case management system, after discussions with IRAP, USCIS has agreed to conduct a supplemental search for responsive records regarding CLAIMS 3.

With respect to Part One of the State request, State has identified from its first search approximately 2,863 pages of potentially responsive records for the case management systems—START and Refugee Processing Center Amazon Webservices (“RPC AWS”)—that it uses or accesses to process refugees. State made its eleventh production of records responsive to Part One

of the State request on August 23, 2024, and anticipates making its twelfth production of such records by October 4, 2024.¹

In its initial search for records responsive to Part One of the State request, State did not search for responsive records for the case management systems that it accesses or uses to process follow-to-join refugees due to a misunderstanding about the scope of IRAP's request, although the records identified in State's initial search did include information about follow-to-join refugees. At IRAP's request, State agreed to conduct a second search for responsive records for the case management systems that it accesses or uses to process follow-to-join refugees in the middle of July 2023. It identified Immigrant Visa Overseas ("IVO") and Immigrant Visa Information System ("IVIS") as the responsive case management systems to IRAP on September 7, 2023. State tasked three components to search for responsive records—the Bureau of Consular Affairs' Office of Information Management and Liaison within the Directorate of Visa Services ("CA/VO/I"), the Bureau's Consular Systems and Technology Division ("CA/CST"), and the National Visa Center ("NVC"). CA/VO/I returned ten records totaling approximately 1,229 pages; NVC returned nine records totaling approximately 141 pages; CA/CST returned eight records—two excel file records and six non-excel records, the latter of which total approximately 2,173 pages. All of these records have been added into the queue to be processed.

The parties continue to discuss the possibility of resolving issues relating to Part Two of the State request consensually. With respect to non-follow-to-join refugee data, the parties have had productive exchanges over the last several weeks—including IRAP's July 23, 2024, response to State's June 23, 2024, counterproposal—and are in the process of scheduling a call with the parties' respective subject matter experts to further discuss the possibility of a consensual resolution. IRAP also asked State to expedite the processing of a record that it believed would assist it in assessing State's counterproposal, and State produced the requested record on August 23, 2024. Upon review of that record, on September 4, 2024, IRAP made requests regarding certain requested data fields, and State is considering these requests. With respect to follow-to-join refugee data, by the end of September, State intends to relay to IRAP what of the requested data is maintained in the responsive case management systems, as well as any agency concerns regarding production of this data. Thereafter, the parties intend to discuss the possibility of resolving issues relating to follow-to-join refugee data consensually.

The parties thank the Court for its consideration of this joint status report and will file their next joint status report by October 8, 2024. If any issue becomes ripe for summary judgment motion practice in the meantime, the party seeking to file the motion will request a pre-motion conference with the Court.

¹ State has proposed making a good faith effort to process an average of 450 pages per six weeks exclusive of external consultations with respect to Part One of the State request. The parties continue to discuss issues regarding processing rate and external consultations and will raise those issues with the Court in the future if and when the need arises.

Respectfully,

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The Court thanks the parties for this status letter. The parties shall file another status letter by **October 8, 2024**.

SO ORDERED:

Katharine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

9/10/2024